

9.3A SPECIAL PERMIT PERFORMANCE STANDARDS FOR MAJOR COMMERCIAL PROJECTS AND MAJOR RETAIL PROJECTS

9.3A.1 Purpose. The following performance standards have been adopted in order to control the size, scale, and impacts of Major Commercial Projects and Major Retail Projects which require a special permit for use from the Planning Board. The specific purposes of this Section are:

**1. Lighting.** To reduce light pollution, light trespass and glare in order to preserve and enhance the natural, scenic, and aesthetic qualities of the Town; conserve energy and decrease lighting costs without decreasing night time safety, security, and productivity; and preserve the night sky as a natural resource to enhance nighttime enjoyment of property within the Town.

**2. Noise.** To reduce noise pollution in order to preserve and enhance the natural and aesthetic qualities of the Town; preserve property values; and preserve neighborhood character.

**3. Landscaping and Screening.** To ensure that proposed development maximize and retain open space, and is integrated into the natural landscape, minimizing adverse environmental impacts to such features as wetlands, floodplains, and water resource protection recharge areas

**4. Stormwater Management.** To ensure that development includes adequate provisions or measures to prevent pollution of surface or groundwater, minimize erosion and sedimentation, prevent changes in groundwater levels, increased run-off and potential for flooding, and minimize adverse impacts to neighboring properties by flooding from excessive run-off.

**5. Site Development Standards.** To ensure that, to the extent practicable, the proposed development is located to preserve and enhance the natural features of the site, to avoid disturbances of environmentally sensitive areas, to minimize adverse impacts of development on adjoining properties, to minimize the alteration of the natural features of the site and to preserve and enhance scenic points, historic buildings and places and similar community assets.

**6. Pedestrian and Vehicular Access; Traffic Management.** to ensure that proposed development and/or redevelopment is designed to (i) minimize hazards to public health and safety as a result of traffic; (ii) provide safe access and circulation on the site for expected vehicles, pedestrians, and emergency vehicles; (iii) provide off-site traffic mitigation, where required, to offset the impact of the development; (iv) reduce the traffic impacts of the proposed development on the area and the Town by incorporating traffic

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management devices; and (v) minimize the impact on scenic roads, historic districts, natural resources, and community character.

**7. Community Character.** To ensure that the location, size and design, building materials, and operating characteristics of the proposed development is compatible with abutting properties, the natural and built environment in the area, and the surrounding neighborhood.

**8. Utilities; Security; Emergency Systems.** To ensure that proposed development is adequately served by public or private utilities, security systems, and emergency systems.

**9. Fiscal Analysis.** To evaluate the fiscal impact of the proposed development upon the Town's municipal services.

9.3A.2 Procedures; Rules and Regulations. Applicants for special permits for Major Commercial Projects or Major Retail Projects shall submit an application on a form prescribed by the Planning Board. The Planning Board may adopt rules and regulations for the administration of such special permits. The Planning Board may require the establishment of an escrow account, pursuant to M.G.L. c. 44, s. 53G, to cover all or part of the cost of the technical review required by the project, including services provided by, but not limited to, attorneys, traffic engineers, landscape architects, civil engineers, lighting engineers, fiscal analysts, and other professionals.

9.3A.4 Standards. The following standards shall apply to applications for special permits for Major Commercial Projects or Major Retail Projects:

1. Lighting.

A. Shielding. All outdoor light fixtures shall be shielded so as to meet the goals of this Section.

B. Light Trespass. Direct light from the light source is to be confined within the property boundaries.

2. Noise

A. Ambient Noise Level. No person shall operate or cause to be operated any source of sound in a manner that creates a sound level which exceeds 70 dBA or 10 dBA above ambient, whichever is lower, when measured at the property boundary of the receiving land use.

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3. Landscaping. To the extent these requirements exceed those set forth in Section 5.0 of this By-law, these requirements shall control:

A. Street Buffer Strip. Except for a required sidewalk, a landscaped buffer strip at least twenty (20) feet wide, continuous except for approved driveways, shall be established adjacent to any public road to visually separate parking and other uses from the road. The buffer strip shall be planted with grass, medium height shrubs, evergreens and shade trees having a minimum four inches in caliper measured four feet from ground level planted at least every thirty (30) feet along the road frontage. Evergreens and shade trees shall be at least eight feet in height at time of planting.

B. District Buffer Strip. A continuous landscaped buffer strip of at least ten (10) feet in width shall be provided and maintained in perpetuity between business and industrial districts and any residential districts and/or property lines. The landscape buffer strip shall be of a density to substantially screen the development in question from view, along the zoning district line in question. Plantings of various approved evergreen species are encouraged and shall be planted at a minimum height of six (6) feet.

C. Large Parking Areas. Parking areas containing over 20 spaces shall have at least one shade tree per ten (10) parking spaces, such tree to be a minimum of 2½ inches in diameter and located either in the parking area or within 10 feet of it. At least 5% of the interior of the parking area shall be maintained with landscaping, including trees, in landscape islands or plots. .

D. Fencing. Fencing may be allowed in lieu or in conjunction with plantings. Design and height of such fencing, with accompanying landscaping, shall be subject to the approval of the Planning Board.

E. Retaining Walls. Retaining walls shall be constructed to a maximum height of four (4) feet. If site conditions require elevation changes of greater than four (4) feet, retaining walls shall be terraced and landscaped.

F. Berms. The Planning Board may require a berm or berms in appropriate circumstances to promote the goals of this section.

G. Screened Areas. Exposed storage areas, refuse disposal facilities, machinery, service areas, truck loading areas, utility buildings and structures and other similar uses shall be screened from view from neighboring properties and streets using dense, hardy evergreen

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plantings, or earthen berms, or wall or tight fence complemented by evergreen plantings.

H. Maintenance. All landscaping features, structures and areas shall be properly maintained. Dead shrubs or trees shall be replaced within one growing season as a condition of approval.

4. Stormwater Management.

A. Consistency with the Massachusetts Stormwater Management Policy. All development shall comply with the Department of Environmental Protection's (DEP) Stormwater Management Policy (including Phase II Stormwater Management requirements), to ensure that the rate of surface water run-off from the site shall not be increased after construction.

B. Conservation Commission. Where applicable, no special permit shall be issued unless a report shall have been received from the Conservation Commission or the Planning Board's agent that the storm drainage system is consistent with DEP Stormwater Management Policy and that there is sufficient storm drainage capacity to meet the flow demands of the proposed development on-site, and where applicable, without causing surge in those storm drainage lines which serve the project and are consistent with the standards of the Town.

5. Site Development Standards.

A. Land Disturbance. Site/building design shall preserve natural topography, reduce unnecessary land disturbance and preserve natural drainage on the site to the extent possible.

B. Site Design. Placement of buildings, structures, or parking facilities shall relate to the site's scenic qualities and shall blend with the natural landscape.

C. Archeological or Historical Resources. The Planning Board may require applicants to submit the proposed development plan to the Westford Historical Commission and/or the Massachusetts Historical Commission for review and comment regarding possible archaeological or historical resources on the site.

D. Preservation of Existing Vegetation. Priority shall be given to the preservation of existing stands of trees, trees at site perimeter,

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contiguous vegetation with adjacent sites (particularly existing sites protected through conservation restrictions), and specimen trees.

E. Finished Grade. Finished grades should be limited to no greater than a 3:1 slope, while preserving, matching, or blending with the natural contours and undulations of the land to the greatest extent possible.

G. Topsoil. A minimum of 6" of topsoil shall be placed on all disturbed surfaces which are proposed to be planted.

6. Pedestrian and Vehicular Access; Traffic Management

A. Access. To the extent feasible, access to nonresidential uses and structures shall be provided via one of the following (i) Access via a common driveway serving adjacent lots or premises; (ii) Access via an existing side street; (iii) Access via a cul-de-sac or loop road shared by adjacent lots or premises;

(1) Access via roadways abutting residential districts shall be avoided where possible.

(2) Access and egress to a development with frontage on more than one street shall be in a manner that causes the least impact to the surrounding neighborhoods as determined by the Planning Board.

(3) Access shall be obtained from existing driveways where such access is safe and efficient. Where two or more access ways now exist, the Planning Board may limit access to the more safe and efficient location.

B. Curb Cuts. Curb cuts shall be limited to the minimum width for safe entering and exiting, and shall in no case exceed 30 feet in width unless waived by the Planning Board for commercial truck traffic.

C. Interior Circulation. The proposed development shall ensure safe interior circulation within its site by accommodating and separating pedestrian, bike ways, and vehicular traffic and ensure safe access to all users of the buildings.

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D. Transportation Plan Approval. The proposed development shall be subject to a Transportation Plan approved by the Planning Board. The Transportation Plan shall be prepared by a qualified traffic consultant and consist of the following information:

(1) A plan showing the proposed parking, loading, and traffic circulation within the site; access and egress points; and other features related to traffic generated by the proposed use.

(2) A Transportation Impact And Access Study (TIAS), detailing the expected traffic impacts. For proposed development in excess of 25,000 gross square feet or in excess of 20 peak hour vehicle trips, the required traffic study shall substantially conform to Town of Westford Guidelines for Preparation of a Transportation Impact Assessment and the Institute of Transportation Engineers' "Traffic Access and Impact Studies for Site Development: A Recommended Practice," latest edition. The Planning Board shall approve the geographic scope and content of the study. In addition, the applicant shall submit a Transportation Demand Management (TDM) plan tailored to the specific uses and the geographic location of the site.

(3) Proposed mitigation measures, if any, such as left-turn lanes, roadway widening, signage, signalization of intersections.

E. Level of Service Maintenance or Improvement.

The suggested Level of Service (LOS) of intersections impacted by the traffic generated the development shall be:

1. For newly constructed floor area, LOS "D" or better
2. For all other projects subject to special permit– present LOS if present level of service is "D" or lower

where such suggested standard is not met, or where a proposed project will result in an increase of 10 seconds of delay to a signalized intersection, the PB may require the applicant to provide detailed plans (including reconstruction concepts) that when implemented would result in a intersection LOS as set forth above, or a return to existing conditions, whichever is applicable.

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F. Dangerous Intersections. The Planning Board may require safety improvements for any net increase in traffic volumes of 10% or more at an intersection that has an accident history of more than 5 accidents in the last three years for which data is available.

G. Sight Distance. Adequate sight distance shall be provided and maintained at all access locations, egress locations, and all intersections affected by the Development. At a minimum, these site distances shall meet the stricter of the Massachusetts Highway Department and American Association of State Highway Transportation Officials standards for safe-stopping sight distances as detailed in the Town of Westford Traffic and Pedestrian Safety Manual.

H. Pedestrian and Bicycle Safety. Pedestrian and bicycle circulation, and the amenities required thereof, on and off site, shall be in accordance with the following requirements:

(1) All development and redevelopment shall provide for pedestrian and bicyclist connections on the property, and allow for possible future connections with adjoining properties, where deemed appropriate by the Planning Board.

(2) Pedestrian access shall connect to all building entrances with further connections to local pedestrian arteries.

(3) All road and intersection widening and new traffic signals or modification of existing traffic signals required as part of a Development or Redevelopment shall include appropriate bicycle and pedestrian accommodation.

(4) The Planning Board may require proposed development and redevelopment to provide sufficient rights-of-way on their properties to accommodate expected needs for bicycle and pedestrian use in conformance with the general guidelines in the Route 110 Master Plan, Sidewalk Master Plan, and other Master Plans as adopted by the Town.

(5) If the property abuts a public bikeway/ right-of-way, a paved access route to the bikeway may be required.

I. Location of Parking Areas. Where feasible, the Planning Board may require parking areas to be located to the side or behind buildings so as to provide an appropriate setting for the building within the context of the site and neighborhood.

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J. Traffic Calming Features. Traffic calming measures such as crosswalks, bike lanes, rumble strips and landscaped islands may be required.

7. Community Character.

A. Compatibility with Neighborhood. The location, size and design, building materials, and operating characteristics of the proposed development shall be compatible with abutting properties, natural and built environment in the area and the surrounding neighborhood, with consideration to be given to the following:

(1) harmony in scale, bulk, massing, architectural character, building materials, placement and density;

(2) generation of traffic and the capacity of surrounding streets;

(3) consistency with the goals and objectives of the Town of Westford Master Plan and with any other applicable plan that has been adopted by the Town.

8. Utilities; Security; Emergency Systems

Projects may not overburden Town infrastructure services including water, gas, electricity and waste water systems. Building design may make use of water-conserving plumbing and minimize the amount of stormwater runoff through the use of best management practices for storm water management. Further, building may be designed to make use of natural and energy resources efficiently in construction, maintenance, and long term operation of the building, including supporting mechanical systems that reduce the need for mechanical equipment generally and its location on the roof specifically. Compliance with the Leadership in Energy and Environmental Design (LEED) certification standards and other evolving environmental efficiency standards shall be encouraged.

A. Wastewater Treatment and Disposal. The Planning Board shall require a report from the Board of Health confirming that the proposed site development provides for wastewater treatment and or disposal in a manner that is consistent with regulations of the Commonwealth of Massachusetts and the Westford Board of Health.

B. Water. There shall be a report from the Water Department confirming that there shall be sufficient water capacity to meet the flow demands of the proposed use without causing municipal water flow characteristics off-site to fall below the standards adopted by the Town.



C. Site Security. There shall be a certification by the Police Chief or their designee that the petitioner has provided a written plan for site security, which plan has been approved by the Police Chief or their designee.

D. Underground. All electrical, cable and telecommunications services shall be installed underground.

E. Fire Alarm System. There shall be sufficient municipal fire alarm system capacity to meet the operating requirements of the proposed site development and use under applicable codes, regulations, and statutes enforce by the Fire Chief or their designee.

9. Fiscal Analysis.

The proposed development should not place more demand on public services than it generates in tax revenue, or overburden the Town's utilities and infrastructure. The fiscal assessment will also consider how the proposed development would generate an additional need for, or affect the availability of affordable housing (and schools).

9.3A.5 Exemptions. The following are exempt from these special permit standards:

A. Emergency Response. Emergency responses performed by a private entity or a public agency and fire or burglar alarms.

9.3A.6 Waiver of Standards. The Planning Board may, in the course of granting a special permit for the project, waive any of these performance standards where such waiver is not inconsistent with public health and safety, and where such waiver does not undermine the purposes of this section and the proposed development will serve the goals and objectives set forth in Section 9.3A.1,

9.3A.7 Mitigation: Conditions. During the public hearing, the applicant may propose specific design alternatives and/or off-site improvements to municipal facilities to meet the performance standards. Where such proposal is acceptable to the Planning Board, such design alternatives and improvements may be incorporated as a condition in the special permit, if granted. Where such mitigation is required, the Planning Board may impose reasonable conditions, including, but not limited to, the following:

A. Timing. The Planning Board may require that all improvements shall be completed prior to the issuance of either a building permit or a certificate of occupancy for the proposed development. The Planning Board may require that improvements associated with a phased development shall be completed for that phase prior to the issuance of either a building permit or a certificate of occupancy for such phase.

B. Cost of Improvements. The required design work and cost of construction and implementation of improvements required as a condition of a special permit shall be the full responsibility of the Applicant.

C. Cost of Review and Inspection. The cost of review of plans and the cost of periodic inspection of work during construction shall be the full responsibility of the Applicant and shall be charged in accordance with procedural requirements to be adopted and from time to time, as may be amended by the Planning Board.

D. Specifications. All work proposed to improve or upgrade Town utilities and services shall be done according to the specifications established by the Planning Board or the appropriate Town department or official.

E. Road and Intersection improvements. All road and intersection improvements proposed as part of development and redevelopment shall be consistent with local plans, including but not limited to the Route 110 Master Plan and the Sidewalk Master Plan.

9.3A.8 Enforcement. The Planning Board may ensure compliance with these performance standards at the application stage by requiring evidence of probable compliance, whether by example of similar facilities or by engineering analysis, verified by technical peer review. In addition, the Planning Board may require a monitoring program at the applicant's expense for compliance purposes for a time period as may be specified in the special permit.